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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Pamela Dittmar,

Plaintiff

v.

City of North Las Vegas,

Defendant

Case No.: 2:17-cv-02916-JAD-BNW

**Order Resolving Defendant's Objections to
Designated Deposition Testimony**

[ECF No. 184]

In the notices of deposition designations, the parties provided their objections to designated deposition testimony.¹ Attached are the court's rulings on defendant City of North Las Vegas's page-and-line objections, denoted next to the objection on the appropriate line of the notice. The court will address the defendant's "general-concerns" objections at today's pretrial conference.

Whether addressed by these rulings or not, when presenting deposition testimony at trial, counsel must:

- Exclude the internal objections and any discussion about or response thereto; and
- Exclude attorney-to-attorney colloquy.



U.S. District Judge Jennifer A. Dorsey
February 5, 2024

¹ ECF No. 184 (defendant's objections); ECF No. 185 (plaintiff's objections).

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**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

PAMELA DITTMAR,)	Case No. 2:17-cv-02916-JAD-BNW
)	
Plaintiff,)	COURT'S RULING ON
)	<u>DEFENDANT CITY OF NORTH LAS</u>
vs.)	<u>VEGAS'S OBJECTIONS TO</u>
)	<u>PLAINTIFF'S TRANSCRIPT</u>
CITY OF NORTH LAS VEGAS, a municipal)	<u>DESIGNATIONS FOR QIONG LIU'S</u>
corporation,)	<u>FEBRUARY 26, 2019 DEPOSITION</u>
)	
Defendant.)	
_____)	

Pursuant to the Court's January 17, 2024 Order Regarding Trial [ECF No. 163], Defendant City of North Las Vegas ("the City" or "Defendant"), by and through its counsel of record, the law firm of Kamer Zucker Abbott, submits the following objections to Plaintiff Pamela Dittmar's deposition designations for former City Manager for Defendant Qiong Liu [ECF No. 178].

As raised in the City's Transcript Designations for Qiong Liu's Deposition [ECF No. 169] and its Trial Brief [ECF No. 168], Defendant objects to the submission of Liu's deposition transcript at trial, as Plaintiff's sole reason for requesting the trial be continued from its September 2023 date was due to Liu's unavailability for the entire month of September, and Liu's designation by Plaintiff as her "key witness." If, in fact, Liu never intended to make herself available for the trial while residing out of state, the trial was unnecessarily delayed. Defendant has been prejudiced by that delay, resulting in

1 additional costs for trial preparation.

2 Further, Plaintiff's designations should be excluded from trial because she missed the filing
3 deadline of Monday, January 29, 2024 at 12:00 p.m. by more than a day. Indeed, Plaintiff's designations
4 were not filed until Tuesday, January 30, 2024 at 9:37 p.m. The parties were expressly cautioned in the
5 Order Regarding Trial that failure to provide the designations by the deadline could result in exclusion
6 of the testimony from trial. ECF No. 163 at 2-3. Further, such delay resulted in Defendant having
7 significantly less time to review the designations and prepare these objections.

8 Notwithstanding Defendant's general concerns with the use of Liu's deposition testimony at
9 trial, Defendant offers the following objections to Plaintiff's designations:

- 10 1. P. 15, ll. 13-15 – Leading; **OVERRULED**
- 11 2. P. 15, ll. 16-18 – Asked and Answered; **OVERRULED**
- 12 3. P. 15, l. 19 through p. 16, l. 6 – Leading; **OVERRULED**
- 13 4. P. 18, l. 22 through p. 19, l. 1 – Improper characterization of evidence;
14 **OVERRULED**
- 15 5. P. 19, ll. 2-8 – Leading; **SUSTAINED as to ll. 4-6; OVERRULED as to the rest**
- 16 6. P. 19, ll. 9-21 – Leading; improper characterization of evidence; calls for legal
17 conclusion; **SUSTAINED**
- 18 7. P. 20, ll. 5-8 – Improper characterization of evidence; **OVERRULED**
- 19 8. P. 20, ll. 9-24 – Leading; improper characterization of evidence; calls for legal
20 conclusion; **SUSTAINED**
- 21 9. P. 20, l. 25 through p. 21, l. 2 – Leading; misstates testimony; **OVERRULED**
- 22 10. P. 22, ll. 19-21 – Leading, asked and answered; **OVERRULED**
- 23 11. P. 23, ll. 3-7 – Hearsay within hearsay; **SUSTAINED**
- 24 12. P. 23, ll. 13-14 – Hearsay; **SUSTAINED**
13. P. 23, ll. 15-19 – Hearsay within hearsay; **SUSTAINED**

14. P. 23, l. 23 through P. 24, l. 12*¹ - Leading; calls for speculation; argumentative;
OVERRULED

15. P. 24, ll. 14-18 – Incomplete designation that lacks a question; calls for speculation;
SUSTAINED

16. P. 24, ll. 19-24 – Leading; argumentative; **SUSTAINED**

17. P. 25, ll. 6-13 – Unresponsive; **OVERRULED**

18. P. 26, l. 21 through 27, l. 4 – Unresponsive; hearsay; **OVERRULED**

19. P. 27, ll. 5-9 – Leading; **OVERRULED**

20. P. 27, l. 23 through p. 28, l. 19 – Hearsay; **OVERRULED**

21. P. 29, 7 through p. 30, l. 9 – Unresponsive; **SUSTAINED - except for P. 29, ll. 7-14 through the word "change."**

22. P. 30, l. 24 through p. 31, l. 21 – Leading; argumentative; **OVERRULED**

23. P. 32, l. 21 through p. 33, l. 7 – Speculative; irrelevant; **OVERRULED**

24. P. 33, ll. 19-25 – Lacks foundation, assumes facts not in evidence; **SUSTAINED**

25. P. 34, ll. 5-13 – Leading, calls for speculation; **OVERRULED**

26. P. 35, ll. 14-15 – Hearsay; **SUSTAINED**

27. P. 36, l. 20 through p. 37, l. 3 – Unresponsive; **SUSTAINED**

28. P. 37, ll. 8-10 – Misstates testimony; leading; **OVERRULED**

29. P. 37, ll. 12-21 – Unresponsive; **SUSTAINED**

30. P. 37, l. 22 through p. 38, l. 4 – Leading; **OVERRULED**

31. P. 38, ll. 5-12 – Leading; calls for legal conclusion; argumentative; improper
characterization of evidence; **SUSTAINED**

32. P. 39, ll. 4-9 – Leading, misstates testimony; **OVERRULED as to ll. 4-5; SUSTAINED as to ll. 6-9.**

33. P. 39, ll. 19-23 – Unresponsive; **SUSTAINED**

34. P. 39, l. 24 through p. 40, l. 3 – Irrelevant; speculative; **OVERRULED**

¹ Plaintiff's list of designations does not include all of the lines highlighted in Plaintiff's accompanying transcript. To the extent she intended to include the additional highlighted lines, Defendant includes objections to certain lines.

35. P. 40, ll. 4-12 – Unresponsive; speculative; **OVERRULED**
36. P. 40, ll. 13-19 – Leading; **OVERRULED**
37. P. 40, l. 20 through p. 41, l. 1 – Speculative; **SUSTAINED**
38. P. 41, ll. 1-4 – Leading; **SUSTAINED**
39. P. 42, l. 24 through 43, l. 4 – Leading; calls for a legal conclusion; improper characterization of evidence; **SUSTAINED**
40. P. 43, ll. 12-13 – Unresponsive; **SUSTAINED**
41. P. 43, l. 24 through p. 44, l. 14 – Leading; misstates testimony; **SUSTAINED**
42. P. 45, ll. 1-13 – Leading; speculative; **SUSTAINED as to ll. 1-8; OVERRULED as to ll. 9-13.**
43. P. 47, ll. 4-9 – Leading; **SUSTAINED**
44. P. 47, ll. 10-19 – Calls for speculation; **SUSTAINED**
45. P. 47, ll. 20-22 – Leading; argumentative; **SUSTAINED**
46. P. 48, ll. 3-11 – Hearsay; asked and answered; **OVERRULED**
47. P. 48, ll. 12-21 – Leading; **SUSTAINED**
48. P. 49, ll. 5-20 – Misstates testimony; speculative; **OVERRULED**
49. P. 49, ll. 21-24 – Leading; **OVERRULED**
50. P. 49, l. 25 through p. 50, l. 6 – Calls for speculation; **SUSTAINED**
51. P. 50, l. 19 through p. 51, l. 9 – Hearsay; speculative; **SUSTAINED**
52. P. 51, ll. 20-21 – Speculative; **SUSTAINED**
53. P. 53; ll. 10-21 – Irrelevant; unresponsive; hearsay; **OVERRULED**
54. P. 55, ll. 6-11 – Incomplete designation that is lacking the question for context; speculative; **SUSTAINED**
55. P. 55, ll. 12-13 – Attorney is testifying for the witness; **SUSTAINED**
56. P. 55, ll. 14-19 – Speculative; **SUSTAINED**

57. P. 56, ll. 6-10 – Leading, argumentative; **OVERRULED**
58. P. 57, ll. 1-4 – Unresponsive; **SUSTAINED**
59. P. 58, ll. 14-17 – Compound; Leading; **SUSTAINED**
60. P. 58, l. 18 through p. 60, l. 6 – Unresponsive; **SUSTAINED**
61. P. 61, ll. 2-11 – Leading; calls for speculation; **SUSTAINED**
62. P. 61, ll. 16-21 – Leading; unresponsive; **SUSTAINED**
63. P. 62, ll. 1-6 – Calls for speculation; **SUSTAINED**
64. P. 62, 7-19 – Leading; unresponsive; speculative; assumes facts not in evidence;
SUSTAINED
65. P. 62, l. 20 through p. 63, l. 6 – Leading; speculative; assumes facts not in evidence;
SUSTAINED
66. P. 63, l. 14 through p. 64, l. 2 – Calls for speculation; asked and answered; **SUSTAINED**
67. P. 64, ll. 10-16 – Leading; **OVERRULED**
68. P. 65, l. 22 through p. 66, l. 7 – Leading; **SUSTAINED**
69. P. 67, l. 22 through p. 68, l. 11 – Unresponsive; **SUSTAINED**
70. P. 68, ll. 16-19 – Unresponsive; **SUSTAINED**
71. P. 68, l. 20 through p. 69, l. 7 – Leading; **SUSTAINED**
72. P. 69, ll. 15-25 – Hearsay within hearsay; speculative; **SUSTAINED**
73. P. 70, ll. 3-10 – Leading, calls for legal conclusion; calls for speculation; **SUSTAINED**
74. P. 70, ll. 14-22 – Unresponsive; **SUSTAINED**
75. P. 70, l. 23 through p. 71, l. 8 – Leading; **SUSTAINED**
76. P. 71, ll. 9-13 – Leading; calls for legal conclusion; **SUSTAINED**
77. P. 71, l. 14 through p. 72, l. 21 – Leading; **OVERRULED as to P. 71, ll. 14-24 through
the word "them," SUSTAINED as to the rest.**
78. P. 72, l. 23 through p. 73, l. 9 – Unresponsive; **OVERRULED**
79. P. 73, ll. 10-21 – Irrelevant; hearsay; **SUSTAINED**
80. P. 73, l. 22 through p. 75, l. 22 – Assumes facts not in evidence; calls for speculation;

unresponsive; hearsay; **SUSTAINED**

81. P. 75, l. 23 through p. 76, l. 5 – Hearsay; **OVERRULED**

82. P. 76; ll. 6-7 – Unresponsive; **SUSTAINED**

83. P. 77, l. 7 through p. 78, l. 8 – Topic of spoliation subject to dispute argued within trial briefs; irrelevant; more prejudicial than probative; **OVERRULED**

84. P. 79, ll. 2-12 – Hearsay; **SUSTAINED**

85. P. 80, ll. 15-25 – Hearsay; leading; lacks foundation; more prejudicial than probative; **SUSTAINED**

86. P. 81, ll. 12-20 – Hearsay; leading; **SUSTAINED**

87. P. 83, ll. 1-11 – Hearsay within hearsay; **SUSTAINED**

88. P. 83, l. 22 through p. 84, l. 6 – Hearsay; leading; irrelevant; speculative; in violation of the order on motion in limine as it is lacking presentation of proof **SUSTAINED**

89. P. 84, l. 20 through p. 85, l. 5 – Hearsay; leading; irrelevant; speculative; in violation of the order on motion in limine as it is lacking presentation of proof; **SUSTAINED**

90. P. 85, l. 24 through p. 86, l. 3 – Hearsay; leading; lacks foundation; **OVERRULED**

91. P. 88, l. 22 through p. 89, l. 3 – Hearsay; leading; irrelevant; speculative; in violation of the order on motion in limine as it is lacking presentation of proof and references the EMRB transcript; lacks foundation from prior lines that are also in violation; **SUSTAINED**

92. P. 90, l. 19 through p. 91, l. 6 – Calls for speculation; leading; assumes facts not in evidence; unresponsive; **SUSTAINED**

93. P. 91, ll. 18-23 – Calls for speculation; **SUSTAINED**

94. P. 94, ll. 14-22 – Unresponsive; speculative; **SUSTAINED**

95. P. 99, ll. 16-23 – Speculative; hearsay; **OVERRULED**

96. P. 109, l. 20 through p. 110, l. 25 – Unresponsive; **OVERRULED**

97. P. 111, l. 17 through p. 112, l. 24 – Unresponsive; **OVERRULED**

98. P. 118, l. 8 through 119, l. 8 – Unresponsive; speculative; **SUSTAINED**

99. P. 124, l. 23 through p. 125, l. 2 – Unresponsive; in violation of the order on motion in
limine as it is lacking presentation of proof **SUSTAINED**

100. P. 126, l. 19 through p. 127, l. 3 – Unresponsive; **SUSTAINED**

101. P. 130, l. 131, l. 18 – Unresponsive; **OVERRULED (no line number given for start of
range)**

102. P. 136, l. 12-21 – Compound; leading; **SUSTAINED**

DATED this 2nd day of February, 2024.

Respectfully submitted,

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